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EXAMINER	
HAN, JASON	

ART UNIT	PAPER NUMBER
2875	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,265	MAGLICA, ANTHONY	
	Examiner	Art Unit	
	Jason M. Han	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-205* is/are pending in the application.

4a) Of the above claim(s) *1-10,42-54,136-145 and 197-205* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☒ Claim(s) *86,106,148-150,152-154,159-160,163,165,172,173,176,177 and 181-183* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *8 Pages*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims rejected are 11-41,55-85,87-105,107-135,146,147,151,155-158,161,162,164,166-171,174,175,178-180 and 184-196.

DETAILED ACTION

Election/Restrictions

1. Claims 1-10, 42-54, 136-145 and 197-205 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 10, 2006.

2. Applicant's election without traverse of Claims 11-41, 55-135, and 146-196 in the reply filed on January 10, 2006 is acknowledged.

Information Disclosure Statement

3. The information disclosure statements (IDS) submitted on August 3, 2004, November 29, 2004, May 25, 2005, and November 23, 2005 have been considered by the examiner, with the exception of repeat or incorrect citations that were crossed out.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

5. Claim 64 is objected to because of the following informalities: Applicant recites in line 3 of the claim the limitation, "a head", which has already been defined in Claim 63 and renders indefiniteness. Applicant is encouraged to amend the claim to read "the head". Appropriate correction is required.

6. Claim 79 is objected to because of the following informalities: Applicant recites in lines 3-4 of the claim the limitation, "an electrical circuit", which has already been defined in Claim 60 and renders indefiniteness. Applicant is encouraged to amend the claim to read "the electrical circuit". Appropriate correction is required.

7. Claim 124 is objected to because of the following informalities: Applicant recites in lines 2-3 of the claim the limitation, "said actuation moves". Applicant is encouraged to amend the claim to read "said actuation member moves". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 25-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regards to Claim 25, which Claims 26 and 28 depend from, Applicant recites the limitation, "said head assembly", which lacks antecedent basis. In addition, Claims 25 and 26 recite a sleeve being secured/separated/threadably engaged to the head assembly, which renders indefiniteness since the head assembly includes the sleeve. The Examiner has assumed that the Applicant is referring to the sleeve securing/separating to the barrel in the rejections below.

9. Claims 65-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. With regards to Claim 65, which Claim 66 depends from, Applicant recites the limitation, "said head", which lacks antecedent basis in Claim 60.

10. Claims 82-83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regards to Claim 82, which Claim 83 depends from, Applicant recites the limitation, "said electrodes", which lacks antecedent basis in Claim 61.

11. Claims 104-105 and 113-114 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The Applicant has omitted the structural cooperative relationships between the tabs and the rest of the lighting device, whereby the claim is aggregate in nature and fails to identify the purpose or reason for said tabs.

The following claims have been rejected in light of the specification, but rendered the broadest reasonable interpretation as construed by the Examiner [MPEP 2111].

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

13. With regards to Claim 11, Lai discloses a device for projecting a beam of light including:

- A portable source of power [Figures 7-8: (10)];
- A substantial point source of light [Figures 7-8: (212)] electrically connected to the source of power;
- A reflector [Figures 7-8: (33)] having a first open end for emitting a beam of light, a second end and an axis extending therebetween;
- A holder [Figures 7-8: (21)] positioning the substantial point source of light within the reflector; and
- An actuating member [Figures 7-8: (205, 207)] operatively connected to the holder to move the holder and align the substantial point source of light with the axis of the reflector.

14. With regards to Claim 12, Lai discloses the holder being movable about at least a first axis [Figures 7-8: defined as parallel to (207)], wherein the first axis is not coincident with the axis of the reflector.

15. With regards to Claim 13, Lai discloses the holder being movable about more than one axis [Column 4, Lines 18-28].

16. With regards to Claim 14, Lai discloses the reflector including a focal point on the reflector axis and the actuator [Figures 7-8: (205, 207)] being adapted to move the holder and align the substantial point source of light with the focal point [Column 4, Lines 21-26].

17. With regards to Claim 15, Lai discloses the first axis [Figures 7-8: defined as parallel to (207)] being substantially perpendicular to the axis of the reflector.

18. With regards to Claim 16, Lai discloses the portable source of power including one or more dry cell batteries [Figures 7-8: (10); Column 3, Lines 44-46].

19. With regards to Claim 17, Lai discloses the substantial point source of light being positioned on a lamp filament [Figures 7-8: (213)].

20. Claims 19-27 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

21. With regards to Claim 19, Lai discloses a flashlight including:

- A barrel [Figure 7: (1)] for retaining one or more batteries [Figure 8: (10)], the barrel having first and second ends;
- A reflector [Figures 7-8: (33)] mounted to the first end of the barrel including a first open end adapted to emit a light beam, a second end and a reflector axis extending therebetween;
- An illumination source [Figures 7-8 : (212)] ;
- A movable holder [Figures 7-8: (21, 205)] including a receiver [Figures 7-8: (209)] and an actuation interface [Figures 7-8: (206)], wherein the receiver holds the illumination source in a position between the first open end and the

second end of the reflector, wherein the actuation interface is used to move the movable holder for adjusting the position of the illumination source relative to the reflector axis; and

- An electrical circuit [Figure 8] coupling the illumination source to the one or more batteries.

22. With regards to Claim 20, Lai discloses the actuation interface being configured to receive actuating pressure for moving the movable holder [Column 4, Lines 18-35].

23. With regards to Claim 21, Lai discloses the actuation surface being a socket [Figures 7-8: (206)].

24. With regards to Claim 22, Lai discloses the movable holder moving about an actuation axis [Figures 7-8: defined as parallel to (207)], wherein the actuation axis is not coincident with the reflector axis.

25. With regards to Claim 23, Lai discloses an actuating member [Figures 7-8: (207)] being coupled to the actuation interface for moving the movable holder, wherein the actuating member is separable from the actuation interface.

26. With regards to Claim 24, Lai discloses the reflector [Figure 7: (33)] being fixedly mounted to the barrel [Figure 7: (1)].

27. With regards to Claim 25, Lai discloses a head assembly [Figure 7: (3)] including a separate sleeve [Figure 7: (30)], wherein the sleeve covers the actuation interface when secured to the barrel, and wherein the sleeve uncovers and facilitates access to the actuation interface when separated from the barrel.

28. With regards to Claim 26, Lai discloses the sleeve being threadably engaged with the barrel [Figure 7: (13, 302)].

29. With regards to Claim 27, Lai discloses a switch [Figures 7-8: (204)] for completing and interrupting the electrical circuit, wherein the switch is interposed between the one or more batteries and the reflector.

30. With regards to Claim 34, Lai discloses the barrel [Figures 7-8: (1)] forming part of the electrical circuit [Column 3, Lines 44-46; Column 4, Lines 6-9].

31. Claims 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

32. With regards to Claim 37, Lai discloses a portable lighting device including:

- A housing [Figures 7-8: (1)] for receiving a portable source of energy [Figures 7-8: (10)];
- A substantial point source of light [Figures 7-8: (212)] electrically coupled to the source of energy;
- A reflector [Figures 7-8: (33)] having a central axis and an open end, whereby the open end is adapted for emitting a beam of light;
- A holder [Figures 7-8: (21, 205)] for positioning the point source of light relative to the central axis of the reflector; and
- Means [Figures 7-8: (206-209)] for aligning the substantial point source of light with the central axis.

33. With regards to Claim 38, Lai discloses a switch [Figures 7-8: (204)] for controlling energy from the portable source of energy to the substantial point source of light.

34. Claims 55-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

35. With regards to Claim 55, Lai discloses a lighting device including:

- A housing [Figures 7-8: (1)] for receiving a source of energy [Figures 7-8: (10)];
- A substantial point source of light [Figures 7-8: (212)] coupled to the source of energy;
- A reflector [Figures 7-8: (212)] including an axis and an open end for reflecting light generated by the substantial point source of light, whereby the open end is adapted for emitting a beam of light; and
- Means [Figures 7-8: (21, 205-209)] for aligning the substantial point source of light with the axis of the reflector.

36. With regards to Claim 56, Lai discloses the reflector having a focal point [Column 1, Lines 5-10].

37. With regards to Claim 57, Lai discloses means [Figures 7-8: (21, 205-209)] for aligning the substantial point source of light with a focal point of the reflector [Column 4, Lines 10-39].

38. With regards to Claim 58, Lai discloses the reflector being substantially symmetrical about the axis [Figures 7-8: (33)].

39. Claim 59 is rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

Lai discloses a lighting device including:

- A housing [Figures 7-8: (1)] for receiving a source of energy [Figures 7-8: (10)];
- A substantial point source of light [Figures 7-8: (212)] coupled to the source of energy;
- A reflector [Figures 7-8: (33)] including a focal point and an open end for reflecting light generated by the substantial point source of light [Column 1; Lines 5-10] and
- Means [Figures 7-8: (21, 205-209)] for aligning the substantial point source of light with the focal point of the reflector.

40. Claims 60-65, 67-68, 74, 76-78, and 80-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

41. With regards to Claim 60, Lai discloses a hand-held, portable lighting device including:

- A housing [Figures 7-8: (1)] for receiving and maintaining a portable source of energy [Figures 7-8: (10)];
- A bulb [Figures 7-8: (212)] having a substantial point source of light [Figures 7-8: (213)] generated by the portable source of energy;
- An electrical circuit which connects the source of energy and the bulb [Figure 8] which connects the source of energy and the bulb'

- A reflector [Figures 7-8: (33)] for forming a beam of light having a first open end adapted to emit the light beam, a second end, an inner reflective surface therebetween and a focal point positioned between the first and second end, and within the area defined by the reflective surface [Column 1, Lines 5-10];
- An movable bulb holder [Figures 7-8: (21)] for holding the bulb; and
- An actuating member [Figures 7-8: (205-209)] operatively coupled to the bulb holder for moving the bulb and thereby aligning the point source of light substantially co-axially with the focal point.

42. With regards to Claim 61, Lai discloses the reflector [Figures 7-8: (33)] being a substantially axisymmetrical reflector having an axis extending between the first and second ends with the focal point located on the axis.

43. With regards to Claim 62, Lai discloses the movable holder being controllably translatable in a direction along the axis to vary the relative axial position of the point source of light with the focal point [Column 5, Lines 7-10].

44. With regards to Claim 63, Lai discloses a head [Figures 7-8: (30)] operably connected to the housing and fixed to the reflector, wherein the reflector [Figures 7-8: (33)] is controllably translatable in a direction along the axis to vary the relative axial position of the point source of light with the focal point [Column 5, Lines 7-10].

45. With regards to Claim 64, Lai discloses a lens [Figures 7-8: (32)] adjacent the first open end of the reflector and the head operably connected to the housing such that it maintains the lens and the reflector in a fixed relationship [Column 4, Lines 50-59].

46. With regards to Claim 65, Lai discloses the head threadably engaging one end of the housing [Column 4, Lines 59-61].

47. With regards to Claim 67, Lai discloses the electrical circuit including a switch [Figures 7-8: (204)] to close the electrical connection between the portable source of energy and the bulb and cause the point source to generate light.

48. With regards to Claim 68, Lai discloses the electrical circuit including a switch [Figures 7-8: (204)] to close the electrical connection between the portable source of energy and the bulb and cause the point source to generate light.

49. With regards to Claim 74, Lai discloses a securing mechanism [Figures 7-8: (207, 24 and 222)] provided to maintain the position of the point source of light with the focal point after the point source of light has been substantially co-axially aligned with the focal point.

50. With regards to Claim 76, Lai discloses the portable source of energy including at least one dry cell battery [Figures 7-8: (10)].

51. With regards to Claim 77, Lai discloses the housing [Figures 7-8: (1)] maintaining in series a plurality of dry cell batteries [Column 3, Lines 44-46].

52. With regards to Claim 78, Lai discloses the center electrode of the first battery [Figure 8: (10)] of the series of batteries being operably connected to a switch [Figures 7-8: (204)] through conductive means [Figures 7-8: (23-24)], whereby the conductive means includes spring biased conductive elements.

53. With regards to Claim 80, Lai discloses the bulb [Figures 7-8: (212)] including a pair of electrodes, whereby the substantial point source of light is on a filament [Figures 7-8: (213)] extending between the electrodes.

54. With regards to Claim 81, Lai discloses the movable bulb holder being controllably translatable in a direction along the axis to vary the relative axial position of the point source of light with the focal point [Column 5, Lines 7-10].

55. With regards to Claim 82, Lai discloses the electrodes being maintained in electrical connection with the source of energy when the actuator moves the bulb [Column 4, Line 59 – Column 5, Line 6].

56. With regards to Claim 83, Lai discloses the actuating member [Figures 7-8: (205-209)] moving the bulb when light is being generated and a beam of light is emitted from the first open end of the reflector [Column 4, Line 59 – Column 5, Line 6].

57. Claims 85 and 87-90 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

58. With regards to Claim 85, Lai discloses a combination for use in aligning a substantial point source of light of a lamp bulb with an axis of a flashlight reflector, the combination including:

- A body member [Figures 7-8: (1)] for receiving a portable source of electrical energy [Figures 7-8: (10)];
- A lamp bulb [Figures 7-8: (212)] including a substantial point source of light [Figures 7-8: (213)] operably connected to the portable source of electrical energy;

- A substantially axisymmetrical reflector [Figures 7-8: (33)] having a first open end adapted to emit a light beam, a second end adapted to receive the lamp bulb extending toward the first open end, and an axis extending from the second end to the first open end; and
- A movable lamp bulb holder [Figures 7-8: (21)] adapted to hold the lamp bulb and an actuation interface [Figures 7-8: (206, 208-209)] to move the movable lamp bulb holder.

59. With regards to Claim 87, Lai discloses an actuating member [Figures 7-8: (207)] coupled to the actuation interface for moving the movable lamp bulb holder.

60. With regards to Claim 88, Lai discloses the actuation interface defining an axis [Figure 8: parallel with (211)].

61. With regards to Claim 89, Lai discloses the movable lamp bulb holder being caused to move by maneuvering the axis defined by the actuation interface [Figures 7-8: via (207) inserted into (206)].

62. With regards to Claim 90, Lai discloses a securing mechanism [Figures 7-8: (207); Column 4, Lines 18-28] to maintain the position of the substantial point source of light with the reflector axis after the filament has been moved relative to the reflector axis.

63. Claims 91-95 and 97-102 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

64. With regards to Claim 91, Lai discloses a combination for use in aligning a substantial point source of light with an axis of a reflector, the combination including:

- A reflector [Figures 7-8: (33)] including a first open end and adapted to emit a light beam, a second end and an axis extending therebetween;
- A lamp bulb [Figures 7-8: (212)] including a filament [Figures 7-8: (213)] having a substantial point source of light;
- A movable lamp bulb holder [Figures 7-8: (21, 205-206, 208-209)] including a receiver [Figures 7-8: (21)] to hold the lamp bulb in a position with the filament extending through the second end of the reflector; and
- An actuating member [Figures 7-8: (207)] operatively coupled to the movable lamp bulb holder for moving the filament of the lamp bulb relative to the axis of the reflector.

65. With regards to Claim 92, Lai discloses the reflector being substantially parabolic [Figures 7-8: (33)].

66. With regards to Claim 93, Lai discloses the actuating member [Figures 7-8: (207)] being mechanically coupled to the movable lamp bulb holder [Figures 7-8: (21, 205-206, 208-209)].

67. With regards to Claim 94, Lai discloses the actuating member [Figures 7-8: (207)] being slidably coupled to the movable lamp bulb holder [Figures 7-8: (206)].

68. With regards to Claim 95, Lai discloses the actuating member [Figures 7-8: (207)] being separable from the movable lamp bulb holder [Figures 7-8: (206)].

69. With regards to Claim 97, Lai discloses the movable lamp holder including a socket [Figures 7-8: (206)], whereby the socket defines a first actuating axis.

70. With regards to Claim 98, Lai discloses the actuating member [Figures 7-8: (207)] coupling with the socket, wherein the actuating member moves the filament of the lamp bulb by rotating the movable lamp bulb holder [Figures 7-8: (21)] about the first actuating axis.

71. With regards to Claim 99, Lai discloses the actuating member [Figures 7-8: (207)] moving the filament of the lamp bulb by rotating the movable lamp bulb holder about a second actuating axis [Figure 7: defined as parallel to (24)], whereby the second actuating axis is substantially perpendicular to the first actuating axis.

72. With regards to Claim 100, Lai discloses the movable lamp bulb holder including an actuation interface [Figures 7-8: (206)], whereby the actuation interface is configured to couple with the actuating member [Figures 7-8: (207)].

73. With regards to Claim 101, Lai discloses the actuating member [Figures 7-8: (207)] moving the filament of the lamp bulb in a non-linear path [Figure 8].

74. With regards to Claim 102, Lai discloses the lamp bulb including two electrodes with the filament and substantial point source of light [Figures 7-8: (213)] extending between the two electrodes.

75. Claims 107-111, 115-116, 119-131 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

76. With regards to Claim 107, Lai discloses a flashlight including:

- A barrel [Figures 7-8: (1)] for retaining one or more batteries [Figures 7-8: (10)], whereby the barrel has first and second ends;

- A head assembly [Figures 7-8: (2-3)] adjacent to the first end of the barrel including a reflector [Figures 7-8: (33)] and lens [Figures 7-8: (32)] mounted in a mutually fixed relationship, whereby the reflector includes a first open end adapted to emit a light beam, a second end, and an axis extending therebetween;
- A lamp bulb [Figures 7-8: (212)] including a filament [Figures 7-8: (213)];
- A movable lamp bulb holder [Figures 7-8: (21, 205-206, 208-209)] disposed at the first end of the barrel, whereby the movable lamp bulb holder includes a receiver [Figures 7-8: (21)] to hold the lamp bulb in a position with the filament extending through the second end of the reflector;
- An actuating member [Figures 7-8: (207)] operatively coupled to the movable lamp bulb holder for adjusting the position of the filament of the lamp bulb relative to the axis of the reflector; and
- An electrical circuit [Column 3, Line 59 – Column 4, Line 9] coupling the filament of the lamp bulb to the one or more batteries.

77. With regards to Claim 108, Lai discloses the head assembly being movably mounted to the first end of the barrel [Column 4, Lines 59-64].

78. With regards to Claim 109, Lai discloses the actuating member [Figurs 7-8: (207)] being slidably coupled to the movable lamp bulb holder [Figures 7-8: (206)].

79. With regards to Claim 110, Lai discloses actuating member [Figures 7-8: (207)] causing the filament of the lamp bulb to move in a non-linear path [Figure 8: (212', 213')].

80. With regards to Claim 111, Lai discloses the lamp bulb including two electrodes with the filament [Figures 7-8: (213)] extending between the two electrodes.

81. With regards to Claim 115, Lai discloses the movable lamp bulb holder translating in a direction along the axis of the reflector [Column 5, Lines 7-10].

82. With regards to Claim 116, Lai discloses the movable lamp bulb holder translating by rotating the head assembly about the axis of the reflector [Column 5, Lines 7-10].

83. With regards to Claim 119, Lai discloses a substantial point source of light on the filament [Figures 7-8: (213)] and a means for maintaining the position of the substantial point source of light with respect to the reflector axis after the filament has been moved relative to the reflector axis [Column 4, Lines 21-39].

84. With regards to Claim 120, Lai discloses an adaptable conductor means [Figures 7-8: (24, 222)] interposed in the electrical circuit and operably connected to the filament of the lamp bulb for maintaining electrical contact while moving the lamp bulb filament relative to the axis of the reflector.

85. With regards to Claim 121, Lai discloses a curved conductor [Figures 7-8: (24)] interposed in the electrical circuit and operably connected to the filament of the lamp bulb and mounted to the movable lamp bulb holder to maintain electrical contact while moving the lamp bulb filament relative to the axis of the reflector.

86. With regards to Claim 122, Lai discloses the curved conductor [Figures 7-8: (24)] including a first contact [Figures 7-8: adjacent (222)] and a second contact [Figure 8: adjacent the wire connected to the button (204)] electrically connected to the first

contact, whereby the first contact is adapted to frictionally receive the electrode of the lamp bulb, and whereby the second contact includes a curved area for maintaining an equidistant electrical contact location relative to an adjacent electrically connecting conductor [Figure 8: wire connected to the button (204)].

87. With regards to Claim 123, Lai discloses the movable lamp holder including a socket [Figures 7-8: (206)], whereby the socket defines a first actuating axis.

88. With regards to Claim 124, Lai discloses the actuating member [Figures 7-8: 207)] coupling with the socket, wherein the actuating member moves the filament of the lamp bulb by maneuvering the first actuating axis.

89. With regards to Claim 125, Lai discloses the actuating member including an actuation interface [Figures 7-8: (206)], whereby the actuation interface is configured to couple with the actuating member.

90. With regards to Claim 126, Lai discloses a holding spring [Figures 7-8: (24)] biased against the movable lamp bulb holder for maintaining a position of the filament with the reflector axis.

91. With regards to Claim 127, Lai discloses the actuating member [Figure 7: (207)] being separable from the movable lamp bulb holder [Figure 7: (206)].

92. With regards to Claim 128, Lai discloses the head assembly including a removable sleeve [Figures 7-8: (30)], wherein the sleeve covers the actuation interface when connected to the head assembly, and wherein the sleeve uncovers the actuation interface and facilitates the actuating member to couple with the actuating interface when removed from the head assembly [Column 4, Line 66 – Column 5, Line 6].

93. With regards to Claim 129, Lai discloses the sleeve [Figures 7-8: (302)] being threadably engaged with the head assembly [Figure 7: (2-3)].

94. With regards to Claim 130, Lai discloses the head assembly including a removable sleeve [Figures 7-8: (30)], wherein the sleeve covers the actuation member [Figures 7-8: (207)] when connected to the head assembly, and wherein the sleeve uncovers the actuation member and facilitates the user to access the actuating member when removed from the head assembly [Column 4, Line 66 – Column 5, Line 6].

95. With regards to Claim 131, Lai discloses a switch [Figures 7-8: (204)] for completing and interrupting the electrical circuit, wherein the switch is interposed between the one or more batteries and the reflector.

96. Claims 146-147 and 155 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

97. With regards to Claim 146, Lai discloses a combination for use in aligning a substantial point source of light of a filament of a lamp bulb with an axis of a flashlight reflector, the combination including:

- A body member [Figures 7-8: (1)] for receiving and housing a portable source of electrical energy [Figures 7-8: (10)];
- A lamp bulb [Figures 7-8: (212)] including a filament [Figures 7-8: (213)] operably connected to the portable source of electrical energy, whereby the filament includes a substantial point source of light;
- A substantially axisymmetrical reflector [Figures 7-8: (33)] having a first open end adapted to emit a light beam, a second end adapted to receive the lamp

bulb extending toward the first open end, and an axis extending from the second end to the first open end;

- A movable lamp bulb holder [Figures 7-8: (21, 205, 208-209)] adapted to hold the lamp bulb; and
- An actuating member [Figures 7-8: (207)] operatively coupled to the movable lamp bulb holder for adjusting the position of the lamp bulb filament relative to the reflector axis and aligning the substantial point source of light with the reflector axis.

98. With regards to Claim 147, Lai discloses the actuating member being a lever [Figures 7-8: (207)] removably coupled to the movable lamp bulb holder.

99. With regards to Claim 151, Lai discloses a lock mechanism [Figures 7-8: (206)] releasably coupled to the actuating member [Figures 7-8: (207)] to maintain the position of the substantial point source of light with the reflector axis after the filament has been moved relative to the reflector axis by restricting actuator member movement.

100. With regards to Claim 155, Lai discloses means [Figures 7-8: (206-207)] for maintaining the position of the filament with the reflector axis after the substantial point source of light has been moved relative to the reflector axis.

101. Claims 156-158, 162, 164, and 166-169 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

102. With regards to Claim 156, Lai discloses a flashlight including:

- A housing [Figures 7-8: (1)] for receiving and storing at least one dry cell battery [Figures 7-8: (10)];

- A lamp bulb [Figures 7-8: (212)] including electrodes operably connected to the battery through an electrical circuit and a filament [Figures 7-8: (213)] extending between the electrodes for generating light, whereby a substantial point source of light is on the filament;
- A switch [Figures 7-8: (204)] interposed in the electrical circuit adapted to open the electrical circuit and to close the electrical circuit to cause the filament to generate light;
- A head assembly [Figures 7-8: (2-3)] including a lens [Figures 7-8: (32)];
- A substantially axisymmetrical reflector [Figures 7-8: (33)] for forming a beam of light generated by the filament, whereby the reflector has a first open end adapted to emit a light beam through the lens, a second end adapted to receive the lamp bulb extending toward the first open end, an axis extending from the second end to the first open end, and a focal point located on the axis [Column 1, Lines 5-10];
- An adjustable focusing means for varying the position of the substantial point source of light with respect to the focal point [Column 5, Lines 7-10];
- A movable lamp bulb holder [Figures 7-8: (21, 205-206, 208-209)] to hold the lamp bulb and maintain the operable connection with the battery; and
- An actuating member [Figures 7-8: (207)] operatively coupled to the movable lamp bulb holder for moving the lamp bulb filament to position the substantial point source of light coaxial with the reflector axis.

103. With regards to Claim 157, Lai discloses the actuating member [Figures 7-8: (207)] being mechanically coupled to the movable lamp bulb holder [Figures 7-8: (206)].

104. With regards to Claim 158, Lai discloses the actuating member [Figures 7-8: (207)] being slidably coupled to the movable lamp bulb holder [Figures 7-8: (206)].

105. With regards to Claim 162, Lai discloses a lock mechanism [Figures 7-8: (206)] releasably coupled to the actuating member [Figures 7-8: (207)] to maintain the position of the substantial point source of light with the reflector axis after the filament has been moved relative to the reflector axis by restricting actuator member movement.

106. With regards to Claim 164, Lai discloses the movable lamp holder including an actuation interface [Figures 7-8: (206)], wherein the actuating member [Figures 7-8: (207)] couples with the actuation interface.

107. With regards to Claim 166, Lai discloses means for maintaining the position of the substantial point source of light with the reflector axis after the filament has been moved relative to the reflector axis [Column 5, Lines 7-10].

108. With regards to Claim 167, Lai discloses a curved conductor [Figures 7-8: (24)] interposed in the electrical circuit and operably connected to an electrode of the lamp bulb and mounted to the movable lamp bulb holder for maintaining the operable connection between the lamp bulb electrodes and the battery while moving the lamp bulb filament relative to the reflector axis.

109. With regards to Claim 168, Lai discloses the curved conductor [Figures 7-8: (24)] including a first contact [Figures 7-8: adjacent (222)] and a second contact [Figure 8: adjacent the wire connected to the button (204)] electrically connected to the first

contact, whereby the first contact is adapted to frictionally receive the electrode of the lamp bulb, and whereby the second contact includes a curved area for maintaining an equidistant electrical contact location relative to an adjacent electrically connecting conductor [Figure 8: wire connected to the button (204)].

110. With regards to Claim 169, Lai discloses an adaptable conductor means [Figures 7-8: (24, 222)] operably connected to the filament of the lamp bulb for maintaining electrical contact while moving the lamp bulb filament relative to the axis of the reflector.

111. Claims 185-186 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

112. With regards to Claim 185, Lai discloses a flashlight including:

- A barrel [Figures 7-8: (1)] for retaining a battery source of power [Figures 7-8: (10)], whereby the barrel has first and second ends and comprises an electrically conductive material [Column 3, Line 44];
- A lamp bulb [Figures 7-8: (212)] including a filament [Figures 7-8: (213)] for generating light;
- A reflector [Figures 7-8: (33)] disposed on the first end of the barrel for forming a beam of light having a first open end adapted to emit a beam of light generated by the filament, a second end adapted to receive the lamp bulb extending toward the first open end, an axis extending from the second end to the first open end and a focal point located on the axis [Column 1, Line 5-10];

- An electrical circuit [Figures 7-8] coupling the lamp bulb to the battery, whereby the electrical circuit includes a switching means [Figures 7-8: (204)] interposed therein;
- A movable means [Figures 7-8: (21, 205-206, 208-209)] for holding and moving the lamp bulb and maintaining the operable electrical connection with the battery; and
- An actuating means [Figures 7-8: (207)] for moving the lamp bulb filament relative with the reflector axis.

113. With regards to Claim 186, Lai discloses adjustable focusing means to vary the position of the filament with respect to the focal point in a direction parallel to the axis [Column 5, Lines 7-10].

114. Claims 189-190 and 193-194 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

115. With regards to Claim 189, Lai discloses a flashlight including:

- A housing [Figures 7-8: (1)] for receiving at least one battery [Figures 7-8: (10)];
- A lamp bulb [Figures 7-8: (212)] including electrodes operably connected to the battery through an electrical circuit [Figures 7-8] and a filament [Figures 7-8: (213)] extending between the electrodes for generating light;
- A head assembly [Figures 7-8: (2-3)] including a lens [Figures 7-8: (32)] and a substantially axisymmetrical reflector [Figures 7-8: (33)] for forming a beam of light generated by the filament, whereby the reflector has a first open end

adapted to emit the beam of light through the lens, a second end adapted to receive the lamp bulb extending toward the first open end, an axis extending from the second end to the first open end and a focal point located on the axis [Column 1, Lines 5-10];

- A movable lamp bulb holder [Figures 7-8: (21, 205, 208-209)] to hold the lamp bulb; and
- Actuating means [Figures 7-8: (207)] operatively coupled to the movable lamp holder for moving the lamp bulb filament relative to the reflector axis.

116. With regards to Claim 190, Lai discloses adjustable focusing means to vary the position of the filament with respect to the focal point in a direction parallel to the axis [Column 5, Lines 7-10].

117. With regards to Claim 193, Lai discloses locking means [Figures 7-8: (206)] for restricting the actuating means [Figures 7-8: (207)] from moving the lamp bulb filament relative to the reflector axis.

118. With regards to Claim 194, Lai discloses the head assembly including a removable sleeve [Figures 7-8: (30)], wherein the sleeve covers access to the movable lamp bulb holder when secured to the head assembly, and wherein the sleeve uncovers and facilitates moving the movable lamp bulb holder when removed from the head assembly [Column 4, Line 66 – Column 5, Line 6].

119. Claim 196 is rejected under 35 U.S.C. 102(e) as being anticipated by Lai (U.S. Patent 6726342).

Lai discloses a flashlight including:

- Means for housing [Figures 7-8: (1)] a portable source of electrical energy [Figures 7-8: (10)];
- A bulb means [Figures 7-8: (212)] including electrodes operably connected to the portable source of electrical energy through an electrical circuit [Figures 7-8] and a filament [Figures 7-8: (213)] extending between the electrodes for generating light;
- Means for translating [Column 5, Lines 7-10] a substantially axisymmetrical reflector [Figures 7-8: (33)] for forming a beam of light generated by the filament, whereby the reflector includes a first open end adapted to emit the beam of light, a second end adapted to receive the lamp bulb extending toward the first open end, an axis extending from the second end to the first open end and a focal point located on the axis [Column 1, Lines 5-10];
- A movable means [Figures 7-8: (21, 205-206, 208-209)] for holding and moving the lamp bulb; and
- An actuating means [Figures 7-8: (207)] operatively coupled to the movable means for moving the filament relative to the reflector axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

120. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 16 above, and further in view of Lai (U.S. Patent 5006969).

Lai ('342) discloses the claimed invention as cited above. In addition, Lai teaches a first housing [Figures 7-8: (1)] maintaining the one or more dry cell batteries and a second housing [Figures 7-8: (30)] maintaining the reflector, but does not specifically teach a biasing means biasing the one or more batteries toward the second housing.

Lai ('969) teaches a biasing means [Figure 1: (43)] for biasing one or more batteries [Figure 1: (3)] disposed in a first housing [Figure 1: (1)] toward a second housing [Figure 1: (2)] that maintains a reflector [Figure 1: (22)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai ('342) to incorporate the biasing means of Lai ('969) to ensure appropriate electrical connection and safety to the batteries during accidental collision or dropping of the device. Such biasing means are commonly seen and known within the art of flashlights.

121. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 27 above, and further in view of Youngquist et al. (U.S. Patent 5627362).

Lai discloses the claimed invention as cited above, but does not specifically teach the switch assembly including a microprocessor.

Youngquist teaches a switch assembly including a microprocessor [Figure 4: (60)], which generates outputs for actuating a lamp in response to various input signals.

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the microprocessor of Youngquist to provide control over the illumination intensity, as well as determine the voltage level of the power source [see Youngquist: Abstract; Column 2, Lines 51-54].

122. Claims 29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 19 above, and further in view of Parker (U.S. Patent 6179438).

Lai discloses the claimed invention as cited above, but does not specifically teach a conducting member, specifically a ring (re: Claim 33) interposed between the barrel and the head assembly (re: Claim 32), for recharging the one or more batteries without removing the one or more batteries from the barrel, wherein the conducting member is electrically coupled to the electrical circuit (re: Claim 31) and is externally accessible and electrically coupled to the electrical circuit (re: Claim 29).

Parker teaches a conducting member, specifically a ring [Figure 1A: (146)] interposed between a barrel [Figure 1B: (10)] and a head assembly [Figure 1B: (21)], for recharging one or more batteries [Figure 1A: (139)] without removing the one or more batteries from the barrel, wherein the conducting member is electrically coupled to an electrical circuit [Figure 1A] and is externally accessible and electrically coupled to the electrical circuit [Figure 1A].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the rechargeable ring and batteries of Parker in order to provide a simple and inexpensive means of using and powering said flashlight without the need to purchase more batteries.

123. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 19 above, and further in view of Maglica (U.S. Patent 4527223).

Lai discloses the claimed invention as cited above, but does not specifically teach a cam controlling the movement of the movable holder in a direction parallel to the reflector axis (re: Claim 35), whereby the cam rotates about the axis of the reflector (re: Claim 36).

Maglica teaches, "An improved flashlight is discloses which includes an improved mechanism for selectively varying the light beam intensity and area of illumination, and improved switch means, an improved light bulb and light bulb holder, and an improved manner of retaining dry cell batteries within the flashlight. The mechanism includes a double cam notch in a reflector support and abutting cam follower rotates cooperatively attached to a bulb holder to enable movement of the bulb forwardly and rearwardly relative to the light reflector through rotation of the head of the flashlight." [Abtract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the cam mechanism of Maglica in order to provide the improvement of selectively varying the light beam intensity and area of illumination via rotation of said cam mechanism.

124. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 38 above, and further in view of Tillery (U.S. Patent 5461552).

Lai discloses the claimed invention as cited above, but does not specifically teach the switch being adapted to close or open in response to translation of the holder (re: Claim 39), the switch including a tactile response feature to indicate that the switch is open (re: Claim 40), nor means for translating he substantial point source of light along the reflector axis (re: Claim 41).

Tillery teaches, "The lamp nut 15 and the lamp holder 74 cooperate with one another to retain the lightbulb in engagement with the contact insulator 62 (by means of the receipt of the fingers 70 of contact insulator 62 between the lip 72 and ring 73 of the lamp holder 74) so that an axial displacement of the contact insulator 62 (caused by the aforementioned rotation of the switch control nut 18) is translated into a corresponding axial movement of the bulb 12 through the head 4 of the flashlight 1" [Column 5, Lines 4-13]. In addition, it is clear that the teaching of Tillery provides a tactile response feature to indicate that the switch is open via the forward-most position [Column 5, Lines 55-63].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the portable lighting device of Lai to incorporate the tactile response switch of Tillery, whereby, "a rotation of the switch control nut around the body also causes an axial displacement of the lightbulb relative to the head so as to adjust the diameter and magnitude of the light beam. The foregoing is accomplished without

requiring the user to manipulate the head of the flashlight, such that the head remains stationary as the switch control nut is rotated and the lightbulb is axially displaced" [Tillery: Column 1, Lines 56-63].

125. Claims 66, 69-73 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claims 65 and 67, respectively above, and further in view of Maglica (U.S. Patent 5143441).

126. With regards to Claim 66, Lai discloses the claimed invention as cited above, but does not specifically teach the other end of the housing being adapted to be received by the head to support the housing in a substantially upright position when the head is removed from the one end of the housing.

Maglica teaches, "The head is not a part of the electrical circuit and its removal exposes the bulb for substantially spherical illumination. The head assembly is removable from the barrel for use as a base into which the tail cap and barrel is inserted to stand the miniature flashlight in its "on" condition, as a lamp" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai to incorporate the spherical and miniature table lamp feature of Maglica [see Maglica: Column 3, Line 3] in order to provide hands-free operation and a wider, more open illumination to a user.

127. With regard to Claims 69-73, Lai discloses the claimed invention, but does not specifically teach the switch being capable of closing the electrical connection when the head is disconnected from the housing and the moveable bulb holder positioning the point source of light beyond the housing in providing a dispersion of substantially

spherical illumination (re: Claim 69); the switch being activated by changing the position of the head relative to the housing (re: Claim 70); the switch being activated by rotating the head relative to the housing (re: Claim 71); wherein a head containing the reflector is connected to the housing and the head is controllably translatable relative to the housing and movement thereof in one direction closes the electrical connection between the portable source of energy and the bulb (re: Claim 72); and wherein the one direction is away from the housing (re: Claim 73).

Maglica teaches, "A miniature flashlight comprising a barrel, tail cap, head, bulb holder, bulb and an electrical circuit. The bulb holder is positioned at one end of the barrel such that the bulb extends into the head. The head includes a parabolic reflector surrounding the bulb such that the rotation of the head relative to the barrel changes the focus of the flashlight beam. A rotary switch associates the bulb holder with the barrel to control opening and closing of the electrical circuit. The head is not a part of the electrical circuit and its removal exposes the bulb for substantially spherical illumination. The head assembly is removable from the barrel for use as a base into which the tail cap and barrel is inserted to stand the miniature flashlight in its "on" condition, as a lamp" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai to incorporate the spherical and miniature table lamp feature and rotary switch of Maglica [see Maglica: Column 3, Line 3] in order to provide hands-free operation and a wider, more open illumination to a user, as well as a simple means to turn on/off the device without the use of a push-button.

128. With regards to Claim 79, Lai in view of Maglica discloses the claimed invention as cited above. In addition, Maglica teaches the head [Figure 2: (24)] being operably connected to one end of the housing [Figure 2: (21)] and a tail cap [Figure 2: (22)] being connected to the other end of the housing, whereby the electrical circuit electrically connects the battery to the bulb and includes a spring [Figure 2: (34)] biasing the battery.

129. Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 60 above, and further in view of Maglica (U.S. Patent 4527223).

Lai discloses the claimed invention as cited above, but does not specifically teach a cam controlling the movement of the movable holder.

Maglica teaches, "An improved flashlight is discloses which includes an improved mechanism for selectively varying the light beam intensity and area of illumination, and improved switch means, an improved light bulb and light bulb holder, and an improved manner of retaining dry cell batteries within the flashlight. The mechanism includes a double cam notch in a reflector support and abutting cam follower rotates cooperatively attached to a bulb holder to enable movement of the bulb forwardly and rearwardly relative to the light reflector through rotation of the head of the flashlight." [Abtract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the cam mechanism of Maglica in order to provide the improvement of selectively varying the light beam intensity and area of illumination via rotation of said cam mechanism.

130. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 60 above, and further in view of Parker (U.S. Patent 6179438).

Lai discloses the claimed invention as cited above, but does not specifically teach a conducting member that is externally accessible and electrically coupled to the electrical circuit for recharging the portable source of energy.

Parker teaches a conducting member, specifically a ring [Figure 1A: (146)] interposed between a barrel [Figure 1B: (10)] and a head assembly [Figure 1B: (21)], for recharging one or more batteries [Figure 1A: (139)] without removing the one or more batteries from the barrel, wherein the conducting member is electrically coupled to an electrical circuit [Figure 1A] and is externally accessible and electrically coupled to the electrical circuit [Figure 1A].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the rechargeable ring and batteries of Parker in order to provide a simple and inexpensive means of using and powering said flashlight without the need to purchase more batteries.

131. Claim 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342).

Lai discloses the claimed invention as cited above, but does not specifically teach the actuating member being integral to the movable lamp bulb holder.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make integral the actuating member and the movable

lamp bulb holder, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). In this case, making the actuating member and movable lamp bulb holder integral would prevent accidental loss of components (i.e., element 207).

132. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 102 above, and further in view of Maglica (U.S. Patent 5143441).

Lai discloses the claimed invention as cited above, but does not specifically teach the receiver of the movable lamp bulb holder including two apertures to receive the two electrodes (re: Claim 103).

Maglica teaches an insulator receptacle [Figures 4-6: (41)] including two apertures for receiving two electrodes of a lamp [Figures 4-6: (43-44)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai to incorporate the insulator receptacle of Maglica to ensure safety for the lamp by preventing inadvertent touching of the two electrodes.

133. Claim 112 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 111 above, and further in view of Maglica (U.S. Patent 5143441).

Lai discloses the claimed invention as cited above, but does not specifically teach the receiver of the movable lamp bulb holder including two apertures to receive the two electrodes (re: Claim 103).

Maglica teaches an insulator receptacle [Figures 4-6: (41)] including two apertures for receiving two electrodes of a lamp [Figures 4-6: (43-44)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai to incorporate the insulator receptacle of Maglica to ensure safety for the lamp by preventing inadvertent touching of the two electrodes.

134. Claim 117 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 107 above, and further in view of Lai (U.S. Patent 5006969).

Lai ('342) discloses the claimed invention as cited above, but does not specifically teach the second end of the barrel including a conductive spring connected to the electrical circuit, whereby the conductive spring is arranged bias the one or more batteries toward the movable lamp bulb holder.

Lai ('969) teaches a biasing, conductive spring [Figure 1: (43)] for biasing one or more batteries [Figure 1: (3)] disposed in a first housing [Figure 1: (1)] toward a second housing [Figure 1: (2)] that maintains a reflector [Figure 1: (22)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai ('342) to incorporate the biasing, conductive spring of Lai ('969) to ensure appropriate electrical connection and safety to

the batteries during accidental collision or dropping of the device. Such biasing means are commonly seen and known within the art of flashlights.

135. Claim 118 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 107 above, and further in view of Maglica (U.S. Patent 5143441).

Lai discloses the claimed invention as cited above, but does not specifically teach the second end of the barrel being adapted to be received by the head assembly to support the barrel in a substantially upright position when the head assembly is removed from the first end of the barrel.

Maglica teaches, "The head is not a part of the electrical circuit and its removal exposes the bulb for substantially spherical illumination. The head assembly is removable from the barrel for use as a base into which the tail cap and barrel is inserted to stand the miniature flashlight in its "on" condition, as a lamp" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai to incorporate the spherical and miniature table lamp feature of Maglica [see Maglica: Column 3, Line 3] in order to provide hands-free operation and a wider, more open illumination to a user.

136. Claims 132 and 134-135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 107 above, and further in view of Parker (U.S. Patent 6179438).

Lai discloses the claimed invention as cited above, but does not specifically teach a conducting member, interposed between the barrel and the head assembly (re:

Claim 135), for recharging the one or more batteries without removing the one or more batteries from the barrel, wherein the conducting member is electrically coupled to the electrical circuit (re: Claim 132) and is externally accessible (re: Claim 134).

Parker teaches a conducting member, specifically a ring [Figure 1A: (146)] interposed between a barrel [Figure 1B: (10)] and a head assembly [Figure 1B: (21)], for recharging one or more batteries [Figure 1A: (139)] without removing the one or more batteries from the barrel, wherein the conducting member is electrically coupled to an electrical circuit [Figure 1A] and is externally accessible and electrically coupled to the electrical circuit [Figure 1A].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the rechargeable ring and batteries of Parker in order to provide a simple and inexpensive means of using and powering said flashlight without the need to purchase more batteries.

137. Claim 133 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) in view of Parker (U.S. Patent 6179438) as applied to Claim 132 above, and further in view of Furth et al. (U.S. Patent 5684378).

Lai in view of Parker discloses the claimed invention as cited above, but does not specifically teach the electrical circuit including a printed circuit board, wherein the conducting member is coupled to the printed circuit board.

Furth teaches, "The recharging circuit 74b and power supply circuit 74a on the circuit board 70 may be in any one of a number of configurations so long as board 70 recharges battery 72 and provides electrical power to the lamp 74 from the battery 72

when disconnected from the AC source" [Column 4, Lines 34-38], as well as a conducting member [Figure7: (78)] coupled to said printed circuit board.

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Lai in view of Parker to incorporate the printed circuit board (PCB) of Furth in order to provide support for the electrical components of the device, as well as simplify manufacturing via placing the majority of electrical components on a single PCB.

138. Claim 161 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 156 above, and further in view of McDermott (U.S. Patent 6024471).

Lai discloses the claimed invention as cited above, but does not specifically teach the switch being a momentary switch.

McDermott teaches, "The power control means additionally permits the user to momentarily energize the lamp and for the lamp to extinguish upon release of the rotary switch by the user" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the flashlight of Lai to incorporate the momentary switch of McDermott to provide the user greater control of the illumination while ensuring that the power source is not accidentally drained when not in use.

139. Claims 170-171 and 174 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 156 above, and further in view of Lai (U.S. Patent 5006969).

Lai ('342) discloses the claimed invention as cited above, but does not specifically teach one end of the housing including a spring urging the at least one dry cell battery toward the other end of the housing (re: Claim 170), a spring biased conductor operably connected to the switch on one end and coupled to the center electrode of the battery for protecting the battery from damage, nor teaches a spring conductor means operably coupled to a center electrode of the battery for protecting the battery from damage (re: Claim 174).

Lai ('969) teaches a biasing, conductive spring [Figure 1: (43)] for biasing one or more batteries [Figure 1: (3)] disposed in a first housing [Figure 1: (1)] toward a second housing [Figure 1: (2)] that maintains a reflector [Figure 1: (22)]. In addition, Lai teaches said spring being operably connected to a switch [Column 1, Lines 5-10] and coupled to the center electrode of the battery [Figure 5: (3)] for protecting the battery.

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai ('342) to incorporate the biasing, conductive spring of Lai ('969) to ensure appropriate electrical connection and safety to the batteries during accidental collision or dropping of the device. Such biasing means are commonly seen and known within the art of flashlights.

140. Claims 175, 178, 180, and 184 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) in view of Lai (U.S. Patent 5006969).

141. With regards to Claim 175, Lai ('342) discloses a flashlight including:

- A housing [Figures 7-8: (1)] for receiving at least one battery [Figures 7-8: (10)] including first and second ends;

- A lamp bulb [Figures 7-8: (212)] including a filament [Figures 7-8: (213)];
- A head assembly [Figures 7-8: (2-3)] mounted to the first end of the housing, whereby the head assembly includes a reflector [Figures 7-8: (33)] and a head [Figures 7-8: (30)] fixedly mounted in a fixed relationship with the reflector, whereby the reflector has a first open end adapted to emit a beam of light, a second end adapted to receive the lamp bulb extending toward the first open end, and an axis extending from the second end to the first open end;
- A movable lamp bulb holder [Figures 7-8: (21, 205, 208-209)] to hold the lamp bulb;
- Actuating means [Figures 7-8: (207)] for moving the lamp bulb and lamp bulb filament relative to the reflector axis;
- An electrical circuit [Figures 7-8] coupling the lamp bulb filament to the at least one battery; and
- A switch [Figures 7-8: (24, 204)] including a spring biased conductor [Figures 7-8: (24)] interposed in the electrical circuit between the at least one battery and the lamp bulb filament.

Lai ('342) does not specifically teach a tail cap removably mounted to the second end of the housing including a tail cap spring, whereby the tail cap spring urges at least one battery towards the first end of the housing.

Lai ('969) teaches a tail cap including a biasing, conductive spring [Figure 1: (43)] for biasing one or more batteries [Figure 1: (3)] disposed in a second end of a housing

[Figure 1: (1)] towards a first end of the housing [Figure 1: (2)] that maintains a reflector [Figure 1: (22)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai ('342) to incorporate the biasing, conductive spring of Lai ('969) to ensure appropriate electrical connection and safety to the batteries during accidental collision or dropping of the device. Such biasing means are commonly seen and known within the art of flashlights.

142. With regards to Claim 178, Lai in view of Lai discloses the claimed invention as cited above. In addition, Lai ('342) teaches an adaptable conductor means [Figures 7-8: (222)] mounted to the movable lamp bulb holder and interposed in the electrical circuit for maintaining electrical connection between the filament with the battery when the actuating means moves the lamp bulb filament.

143. With regards to Claim 180, Lai in view of Lai discloses the claimed invention as cited above. In addition, Lai ('342) teaches a lock mechanism [Figures 7-8: (206)] releasably coupled to the actuating means [Figures 7-8: (207)] to maintain the position of the filament with the reflector axis after the filament has been moved relative to the reflector axis by restricting actuator member movement.

144. With regards to Claim 184, Lai in view of Lai discloses the claimed invention as cited above. In addition, Lai ('342) teaches means [Figures 7-8: (206)] for maintaining the position of the filament with the reflector axis after the filament has been moved relative to the reflector axis.

145. Claim 179 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) in view of Lai (U.S. Patent 5006969) as applied to Claim 175, respectively above, and further in view of Maglica (U.S. Patent 5143441).

Lai in view of Lai discloses the claimed invention as cited above, but does not specifically teach the second end of the housing being adapted to be received by the head assembly to support the housing in a substantially upright position when the head assembly is removed from the first end of the housing.

Maglica teaches, "The head is not a part of the electrical circuit and its removal exposes the bulb for substantially spherical illumination. The head assembly is removable from the barrel for use as a base into which the tail cap and barrel is inserted to stand the miniature flashlight in its "on" condition, as a lamp" [Abstract].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Lai in view of Lai to incorporate the spherical and miniature table lamp feature of Maglica [see Maglica: Column 3, Line 3] in order to provide hands-free operation and a wider, more open illumination to a user.

146. Claims 187 and 188 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claims 186 and 185, respectively above, and further in view of Tillery (U.S. Patent 5461552).

Lai discloses the claimed invention as cited above, but does not specifically teach the adjustable focusing means being coupled to the switch means (re: Claim 187), nor the switch means and actuating means being integral with one another (re: Claim 188).

Tillery teaches, "The lamp nut 15 and the lamp holder 74 cooperate with one another to retain the lightbulb in engagement with the contact insulator 62 (by means of the receipt of the fingers 70 of contact insulator 62 between the lip 72 and ring 73 of the lamp holder 74) so that an axial displacement of the contact insulator 62 (caused by the aforementioned rotation of the switch control nut 18) is translated into a corresponding axial movement of the bulb 12 through the head 4 of the flashlight 1" [Column 5, Lines 4-13].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the portable lighting device of Lai to incorporate the tactile response switch of Tillery, whereby, "a rotation of the switch control nut around the body also causes an axial displacement of the lightbulb relative to the head so as to adjust the diameter and magnitude of the light beam. The foregoing is accomplished without requiring the user to manipulate the head of the flashlight, such that the head remains stationary as the switch control nut is rotated and the lightbulb is axially displaced" [Tillery: Column 1, Lines 56-63].

147. Claims 191-192 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 190 above, and further in view of Tillery (U.S. Patent 5461552).

Lai discloses the claimed invention as cited above, but does not specifically teach a switch means, including a spring biased conductor (re: Claim 192), coupled to the adjustable focusing means and interposed in the electrical circuit for opening and

closing the electrical circuit when the position of the filament with respect to the focal point is varied in a direction parallel to the axis (re: Claim 191).

Tillery teaches, "The lamp nut 15 and the lamp holder 74 cooperate with one another to retain the lightbulb in engagement with the contact insulator 62 (by means of the receipt of the fingers 70 of contact insulator 62 between the lip 72 and ring 73 of the lamp holder 74) so that an axial displacement of the contact insulator 62 (caused by the aforementioned rotation of the switch control nut 18) is translated into a corresponding axial movement of the bulb 12 through the head 4 of the flashlight 1" [Column 5, Lines 4-13]. In addition, Tillery teaches the switch means including a spring biased conductor [Figure 5: (60, 80)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the portable lighting device of Lai to incorporate the switch means of Tillery, whereby, "a rotation of the switch control nut around the body also causes an axial displacement of the lightbulb relative to the head so as to adjust the diameter and magnitude of the light beam. The foregoing is accomplished without requiring the user to manipulate the head of the flashlight, such that the head remains stationary as the switch control nut is rotated and the lightbulb is axially displaced" [Tillery: Column 1, Lines 56-63].

148. Claim 195 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (U.S. Patent 6726342) as applied to Claim 189 above, and further in view of Parker (U.S. Patent 6179438).

Lai discloses the claimed invention as cited above, but does not specifically teach a conducting member, interposed between the housing and the head assembly, wherein the conducting member is electrically coupled to the electrical circuit for recharging the at least one battery.

Parker teaches a conducting member, specifically a ring [Figure 1A: (146)] interposed between a barrel [Figure 1B: (10)] and a head assembly [Figure 1B: (21)], for recharging one or more batteries [Figure 1A: (139)] without removing the one or more batteries from the barrel, wherein the conducting member is electrically coupled to an electrical circuit [Figure 1A] and is externally accessible and electrically coupled to the electrical circuit [Figure 1A].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the flashlight of Lai to incorporate the rechargeable ring and batteries of Parker in order to provide a simple and inexpensive means of using and powering said flashlight without the need to purchase more batteries.

Allowable Subject Matter

149. Claim 86 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and defined a combination for use in aligning a substantial point source of light of a lamp bulb with an axis of a flashlight reflector via an actuation interface being a hexagonal socket. The prior art of record fails to teach or

suggest the combination of structural elements, specifically the hexagonal socket, claimed therein.

150. Claim 106 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and defined a combination for use in aligning a substantial point source of light with an axis of a reflector, and including a support housing for holding the reflector and having a window. The prior art or record fails to teach or suggest the combination of structural elements, specifically the actuating member extending through the window to couple to the movable lamp holder, claimed therein.

151. Claims 148-150 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to Dependent Claim 148, the Applicant has sufficiently claimed and defined a combination for use in aligning a substantial point source of light of a filament of a lamp bulb with an axis of a reflector, and including a cam acting as an actuating member for adjusting the position of the lamp bulb filament. The prior art of record fails to teach or suggest the combination of structural elements, specifically the cam, claimed therein, and all subsequent dependent claims are allowed.

152. Claim 152 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and defined a combination for use in aligning a substantial point source of light of a filament of a lamp bulb with an axis of a reflector, and including a lock mechanism that has a movable rack and locking tab. The prior art of record fails to teach or suggest the combination of structural elements, specifically the rack being coupled to the actuating member and including ribs and slots interposed between the ribs such that the locking tab disposed in one of the slots and bearing against the rib restricts movement of the rack and actuating member, claimed therein.

153. Claims 153-154 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to Dependent Claim 153, the Applicant has sufficiently claimed and defined a combination for use in aligning a substantial point source of light of a filament of a lamp bulb with an axis of a reflector, and including an abutment of the reflector adjacent to the second end and substantially perpendicular to the reflector axis such that the reflector is controllably translatable in the direction along the axis to vary the relative axial position of the abutment with the lock mechanism. The prior art of record fails to teach or suggest the combination of structural elements, specifically the

abutment in combination with the lock mechanism that is releasably coupled to the actuating member, claimed therein, and all subsequent dependent claims are allowed.

154. Claims 159-160 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to Dependent Claim 159, the Applicant has sufficiently claimed and defined a flashlight including a cam acting as an actuating member for adjusting the position of the lamp bulb filament. The prior art of record fails to teach or suggest the combination of structural elements, specifically the cam, claimed therein, and all subsequent dependent claims are allowed.

155. Claims 163 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and defined a flashlight including a lock mechanism that has a movable rack and locking tab. The prior art of record fails to teach or suggest the combination of structural elements, specifically the rack being coupled to the actuating member and including ribs and slots interposed between the ribs such that the locking tab disposed in one of the slots and bearing against the rib restricts movement of the rack and actuating member, claimed therein.

156. Claims 165 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and defined a flashlight including an actuation interface being a hexagonal socket. The prior art of record fails to teach or suggest the combination of structural elements, specifically the hexagonal socket, claimed therein.

157. Claims 172-173 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to Dependent Claim 172, the Applicant has sufficiently claimed and defined a flashlight including a spring biased conductor that has a first conductor receptacle, a second conductor receptacle and a spring, wherein the first conductor receptacle is slidably disposed to the inner cavity of the second conductor receptacle with the spring compressed and contained therebetween, and whereby the spring urges one of the first conductor receptacle and the second conductor receptacle towards the center electrode of the battery. The prior art of record fails to teach or suggest the combination of structural elements, specifically the spring biased conductor, claimed therein, and all subsequent dependent claims are allowed.

158. Claims 176-177 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to Dependent Claim 176, the Applicant has sufficiently claimed and defined a flashlight including a spring biased conductor that has a first conductor receptacle, a second conductor receptacle and a spring, wherein the first conductor receptacle is slidably disposed to the inner cavity of the second conductor receptacle with the spring compressed and contained therebetween, and whereby the spring urges one of the first conductor receptacle and the second conductor receptacle towards the center electrode of the battery. The prior art of record fails to teach or suggest the combination of structural elements, specifically the spring biased conductor, claimed therein, and all subsequent dependent claims are allowed.

159. Claims 181 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has sufficiently claimed and defined a flashlight including a lock mechanism that has a movable rack and locking tab. The prior art of record fails to teach or suggest the combination of structural elements, specifically the rack being coupled to the actuating means and including ribs and slots interposed between the ribs

such that the locking tab disposed in one of the slots and bearing against the rib restricts movement of the rack and actuating means, claimed therein.

160. Claims 182-183 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: With regards to Dependent Claim 182, the Applicant has sufficiently claimed and defined a flashlight including an abutment of the reflector adjacent to the second end and substantially perpendicular to the reflector axis such that the reflector is controllably translatable in the direction along the axis to vary the relative axial position of the abutment with the lock mechanism. The prior art of record fails to teach or suggest the combination of structural elements, specifically the abutment in combination with the lock mechanism that is releasably coupled to the actuating means, claimed therein, and all subsequent dependent claims are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference to Kobayashi et al. (U.S. Patent 5999749) is cited to further show the state of the art relevant to the current application, but is not considered exhaustive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M Han
Examiner
Art Unit 2875

JMH (3/10/2006)

ALAN CARIASO
PRIMARY EXAMINER